

[illegible]

TO: Larry Swan, Park Superintendent  
Kern County Parks and Recreation Department  
2820 M Street  
Bakersfield, CA 93301

**CITATION FOR NONCOMPLIANCE**  
**NITRATE MONITORING & REPORTING VIOLATION FOR 1997 to 2013**

**Issued on April 8, 2014**

**VIOLATION**

**Section 116555(a)(1) and (3) of the CHSC**, specifies “Any person who owns a public water system shall ensure that the system does all of the following:

- 1       (1) *Complies with the primary and secondary drinking water standards.*  
2       (3) *Provides a reliable and adequate supply of pure, wholesome, healthful, and*  
3       *potable water."*

4  
5       **Section 64432.1 - Monitoring and compliance – nitrate**

6       Section 64432.1(a) of Title 22, CCR, specifically establishes the monitoring frequency  
7       for nitrate for public water systems. The minimum established frequency for nitrate is  
8       to collect an annual sample from each source, in order to determine compliance with  
9       the nitrate MCL of 45 mg/L (as nitrate). As outlined in the Source Water Quality  
10       Monitoring schedule (TNC1) provided as **Attachment A**, the Water System's  
11       source(s) are required to be monitored at least annually. Based on Department's water  
12       quality database, Well 01 (Primary Station Code: 15003274-001) was last tested for  
13       nitrate on October 23, 1996, and is delinquent on nitrate monitoring. A copy of  
14       "*Delinquent Monitoring Schedule Report*" dated April 8, 2014, is provided as  
15       **Attachment B**. In the absence of nitrate data, the Department is unable to determine  
16       whether or not water produced by Well 01 met the nitrate MCL during the years of  
17       1997 to 2013.

18       **Section 64469(a) and (c) - Reporting requirements**

19       Section 64469(a) of Title 22, CCR, specifies analytical results of all analyses  
20       completed in a calendar month shall be reported to the Department no later than the  
21       tenth day of the following month. Further, Section 64469(c) of Title 22, CCR,  
22       specifies analytical results shall be reported to the Department electronically using the  
23       Electronic Deliverable Format as defined in The Electronic Deliverable Format (EDF)  
24       Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated  
25       April 2001.  
26  
27

## **BACKGROUND**

The Water System is classified as a transient noncommunity water system and serves a transient population of approximately 30 through one active service connection. The Water System operates under the authority of a Domestic Water Supply Permit No. 03-12-96P-028, issued on October 23, 1996, by the State of California, Department of Health Services (now California Department of Public Health).

## **HISTORY OF VIOLATIONS**

The Water System is required to collect a minimum of one nitrate sample from the Water System's source(s) per calendar year and has a history of monitoring and reporting violations. To document non-compliance with the nitrate monitoring and reporting regulations, the Department previously issued the enforcement letter as described below.

- On June 27, 2013, the Department issued Enforcement No. 03-19-13E-037 to the Water System for failure to collect the required annual nitrate sample from the Well 01 in 2012. Based on the Department's knowledge, the Water System has not complied with the directives of the above mentioned enforcement letter which required the Water System to collect a nitrate sample from Well 01 in 2013.

## **NOTIFICATION REQUIREMENTS**

The above-mentioned violations of Sections 64432.1(a) and 64469(a) and (c) of Title 22, CCR are considered monitoring and reporting (M&R) violations and require issuing public notification to the persons served by the Water System. The Water System is required to notify the persons served, via Tier 2 public notification, in accordance with the Section 64463.4(a)(2) of Title 22, CCR. Public notification to the persons served by the Water System may be provided by the following methods, using the template provided as **Attachment C**. **By May 8, 2014**, the public notification of

1 the above mentioned M&R violations shall be provided directly to the consumers  
2 served by the Water System, as explained below:

- 3 1. Mail or direct delivery to each customer, and
- 4 2. Use one or more of the following methods to reach persons not likely to be  
5 reached by a mailing or direct delivery:
  - 6 (a) Publication in a local newspaper or newsletter distributed to customers
  - 7 (b) Posting in conspicuous public places served by the Water System, or on the  
8 internet or intranet
  - 9 (c) Email message to employees

10 Proof of notification of the M&R violations is required. The Water System shall  
11 complete **Attachment D** and return it to the Department within 10 days of providing  
12 public notification and no later than **May 18, 2014**.

#### 13 **DIRECTIVES**

14 The Ed Oakley Hall Water System is hereby directed to take the following actions:

- 15 1. Cease and Desist from failing to comply with Section 116555(a) of the CHSC  
16 and **Sections 64432.1(a) and 64469(a) and (c)** of Title 22, California Code of  
17 Regulations (CCR).
- 18 2. Collect a nitrate sample from Well 01 **within 90 days** of receiving this citation  
19 and report the results electronically via Electronic Data Transfer (EDT) using  
20 the PS Code assigned to Well 01. Continue to **conduct annual nitrate**  
21 **monitoring of Well 01** to avoid further monitoring and reporting violations in  
22 the future.
- 23 3. **By May 8, 2014**, notify the persons served by the Water System of the above-  
24 mentioned M&R violations using **Attachment C**.
- 25 4. **By May 18, 2014**, submit a copy of the signed and dated Proof of Notification  
26 (**Attachment D**) to the Department along with a copy of the signed and dated  
27

1 public notice (**Attachment C**) after it has been distributed/posted at the  
2 following address:

3 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer  
4 Department of Public Health  
5 Southern California Branch  
6 Drinking Water Field Operations  
7 4925 Commerce Drive, Suite 120  
8 Bakersfield, CA 93309  
9 Phone: (661) 335-7315  
10 Fax: (661) 335-7316

### 11 **FURTHER ENFORCEMENT ACTIONS**

12 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the  
13 Department to: issue additional citations with assessment of penalties if the public  
14 water system continues to fail to correct a violation identified in a citation; take action  
15 to suspend or revoke a permit that has been issued to a public water system if the  
16 system has violated applicable law or regulations or has failed to comply with orders  
17 of the Department; and petition the superior court to take various enforcement  
18 measures against a public water system that has failed to comply with orders of the  
19 Department. The Department does not waive any further enforcement action by  
20 issuance of this citation.

### 21 **PARTIES BOUND**

22 This citation shall apply to and be binding upon the Ed Oakley Hall Water System, its  
23 officers, directors, agents, employees, contractors, successors, and assignees.

### 24 **SEVERABILITY**

25 The directives of this citation are severable, and Ed Oakley Hall Water System shall  
26 comply with each and every provision thereof, notwithstanding the effectiveness of  
27 any other provision.

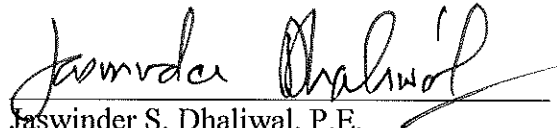
**CIVIL PENALTY**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

The Ed Oakley Hall Water System has been billed at the current hourly rate since this is an enforcement action for noncompliance of the regulations.

April 8, 2014  
Date

  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

**Attachments:**

Attachment A:	Source Water Quality Monitoring Schedule – TNC1
Attachment B:	Delinquent Monitoring Schedule Report
Attachment C:	Public Notice
Attachment D:	Proof of Notification

cc: Kern County Environmental Health Services Department (w/o attachments)  
Alan Hansen, 10039 Caliente Creek Rd. Caliente, CA 93518

JSD/ak

## **Attachment A**

# WATER QUALITY MONITORING SCHEDULE

## Transient Noncommunity System (TNC1)

UPDATED APRIL 2012

This schedule supersedes all previous monitoring schedules.

Chemical - Title 22	MCL (mg/L)	Frequency
<b>Primary Inorganics - Section 64432</b>		
Aluminum	1	Not Required
Antimony	0.006	Not Required
Arsenic	0.010	Not Required
Barium	1	Not Required
Beryllium	0.004	Not Required
Cadmium	0.005	Not Required
Chromium	0.05	Not Required
Cyanide	0.15	Not Required
Fluoride	N/A	Once Only
Mercury	0.002	Not Required
Nickel	0.1	Not Required
Perchlorate	0.006	Not Required
Selenium	0.05	Not Required
Thallium	0.002	Not Required
<b>Asbestos - Section 64432.2</b>		
Asbestos	7 MFL	Not Required
<b>Nitrate/Nitrite - Section 64432.1</b>		
Nitrate (as NO <sub>3</sub> )*	45	Annually if < 23 mg/l Quarterly for 1 yr if any sample ≥ 23 mg/L*
Nitrite (as nitrogen)**	1	Every 3 years if < 0.5 mg/l Quarterly for 1 yr if any sample ≥ 0.5 mg/L**
Nitrate + Nitrite (sum as nitrogen)	10	N/A
<b>Secondary Standards - Table 64449-A</b>		
Aluminum	0.2	Not Required
Color	15	Not Required
Copper	1.0	Not Required
Foaming Agents	0.5	Not Required
Iron	N/A	Once Only
Manganese	N/A	Once Only
Methyl- <i>tert</i> -butyl ether (MTBE)	0.005	Not Required
Silver	0.1	Not Required
Thiobencarb	0.001	Not Required
Turbidity	5	Not Required
Zinc	5	Not Required
<b>General Minerals - Section 64449</b>		
Bicarbonate	N/A	Once Only
Carbonate	N/A	Once Only
Hydroxide Alkalinity	N/A	Once Only
Calcium	N/A	Once Only
Magnesium	N/A	Once Only
Sodium	N/A	Once Only
Hardness	N/A	Once Only
pH	N/A	Once Only
<b>Secondary Standards - Table 64449-B</b>		
TDS	500-1000;1500	Not Required
Specific Conductance	N/A	Once Only
Chloride	250-500;600	Not Required
Sulfate	250-500;600	Not Required

MCL = Maximum Contaminant Level

\***Nitrate** sampling shall be increased to quarterly following any result ≥ 23 mg/L.

This may be reduced to annual, upon request, if all 4 quarterly results are < 45 mg/L.

\*\***Nitrite** sampling shall be increased to quarterly following any result ≥ 0.5 mg/L.

This may be reduced to annual, upon request, if all 4 quarterly results are < 1.0 mg/L.



## **Attachment B**

DATE: 04/08/14  
REPORT: R0117/3

STATE OF CALIFORNIA  
DRINKING WATER PROGRAM  
DELINQUENT MONITORING SCHEDULE REPORT

PAGE: 1  
TIME: 13:08

SYSTEM NO: 1503274    NAME: ED OAKLEY HALL    COUNTY: KERN    CLASS: TNC1    STATUS: AU  
SOURCE NO: 001    NAME: WELL 01    PSCODE: 1503274-001

GROUP IDENTIFICATION	CONSTITUENT IDENTIFICATION	LAST SAMPLE	COUNT	FREQ	MODIFIED	NEXT	SCHEDULE	SAMPLE	DUE
-----									
NITRATE/NITRITE									
71850 NITRATE (AS NO3)									
		1996/10/23	1	12			1997/10		DUE NOW

FREQ IS NUMBER OF MONTHS BETWEEN SAMPLES. WHEN FREQ IS 0, SAMPLE IS DUE NOW.  
WHEN FREQ IS 999, NO SAMPLES ARE REQUIRED. COUNT IS NUMBER OF SAMPLES IN THE DATABASE.

## **Attachment C**

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### Nitrate Monitoring Requirements Not Met for Ed Oakley Hall Water System

Our water system failed to monitor as required for a drinking water monitoring standard from the calendar year 1997 to 2013 and, therefore, was in violation of the monitoring and reporting regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. From the calendar year 1997 to 2013, we did not monitor or test Well 01 for nitrate and therefore cannot be sure of the quality of our drinking water during that time.*

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the last seventeen years, how many samples we are required to take and how often, how many samples we took when samples should have been taken, and the date on which the most recent nitrate samples were taken.

Source Name	Contaminant	Required sampling frequency	Number of samples taken in 1997 to 2013	When samples were taken
Well 01	Nitrate	1 per year (annually)	0 (None)	10/23/1996

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

We will collect a nitrate sample from Well 01 in 2014. For more information, please contact Larry Swan with the Ed Oakley Hall Water System at (661) 868-7010.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

Date posted: \_\_\_\_\_

\_\_\_\_\_  
Larry Sawn, Park Superintendent  
Ed Oakley Hall Water System (1503274)

## **Attachment D**

**PROOF OF NOTIFICATION  
(Return with copy of the Notice)**

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Ed Oakley Hall Water System** of the failure to meet the **monitoring and reporting requirement for nitrate sampling from the calendar year 1997 to 2013** as directed by the Department.

Notification was made on \_\_\_\_\_ (date)  
by including the required wording regarding the violation in the water system's Consumer Confidence Report (CCR) for the year \_\_\_\_\_.

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

- ☐ The notice was distributed by **mail or direct delivery** (*please circle delivery method used*) to each customer served by the water system. Specify other direct delivery method(s) used: \_\_\_\_\_.
- ☐ Posted the notice at the following conspicuous locations served by the water system (*if needed, please attach a list of locations*). \_\_\_\_\_
- ☐ Publication of the notice in a local newspaper or newsletter of general circulation (*attach a copy of the published notice, including name of newspaper and date published*). \_\_\_\_\_
- ☐ Posted the notice on the Internet at www. \_\_\_\_\_
- ☐ Other method used to notify customers. \_\_\_\_\_

**DISCLOSURE:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Due to the California Dept. of Public Health within 10 days of notification to the public or by **May 18, 2014**  
Nitrate M&R Enforcement Action No.: 03-19-14C-009  
System No. 1503274